

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:

Retention by Broadcasters of
Program Recordings

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MB Docket No. 04-232

TO: The Federal Communications Commission

**MOTION FOR EXTENSION OF COMMENT
AND REPLY BY COMMENT DEADLINES**

By counsel and pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, the Arizona Broadcasters Association and the Kentucky Broadcasters Association (collectively, the "Associations") respectfully request that the Federal Communications Commission (the "Commission") extend the comment and reply comment filing deadlines in the above-captioned Notice of Proposed Rulemaking ("NPRM"). The NPRM currently requires comments to be submitted by July 30, 2004 and reply comments by August 30, 2004. As discussed below, extension of the comment and reply comment deadlines in this proceeding is justified by the initially short comment deadline and the extensive topics requiring study and comment detailed in the NPRM. Thus, the Associations request that the Commission extend the deadlines by 45 days each to September 13, 2004 and October 14, 2004, respectively.

In this above-referenced NPRM, the Commission seeks comment regarding the retention of program recordings by broadcasters as means to enhance its enforcement of

the Statute prohibiting indecent and obscene programming, 18 U.S.C. § 1464. The NPRM also seeks comment on a myriad of issues stemming from the proposed programming recording including other uses for such recordings, 1st Amendment concerns, the financial and administrative burden such a requirement would place on broadcasters and the general complaint process at the Commission. In order to fully appreciate the ramifications of the proposed rules and be able to comment knowledgeably on the subject, commenting parties must be given adequate time to consider and address the NPRM and the issues it raises. Broadcasters, particularly small broadcasters, need time to investigate their individual stations and compile cost estimates, as well as, to consider all of the various potential implications of such a rule. In order to provide the Commission with the most complete record possible in this proceeding, the Associations believe additional time is warranted. In this case, the NPRM provides only 23 days from the date of release until the comment deadline.

Commenting parties will also welcome an extension of the comment deadlines in light of the vast amount of activity at the Commission during this time period. There are a multitude of other broadcast related proceedings at the Commission that require comments, including the far-reaching Localism Notice of Inquiry.¹ Additionally, comment and reply comment filing deadlines are due during a time of year that is ripe with obligations for broadcasters – the FM Auction, EEO Audits, election year obligations, license renewals, regulatory fee payments, and the like - all of which broadcasters must contend with during these summer months.

Extending the comment and reply comment filing deadlines to September 13, 2004 and October 14, 2004, respectively, will provide all parties with adequate time to

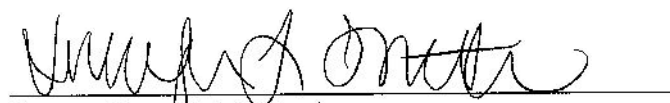
¹ See MM Docket No. 04-233, FCC 04-129, Released July 1, 2004.

prepare insightful, helpful and complete comments. It is in the interest of the public that the best and most thorough responses be made in regards to the retention of broadcast recordings and the issues raised by the NPRM.

For the foregoing reasons, the Arizona Broadcasters Association and the Kentucky Broadcasters Association request that the Commission extend the comment and reply comment filing deadlines in this proceeding by forty-five days each.

Respectfully submitted,

**ARIZONA BROADCASTERS ASSOCIATION
KENTUCKY BROADCASTERS ASSOCIATION**

A handwritten signature in dark ink, appearing to read 'Dawn M. Sciarrino', is written over a horizontal line.

By: Dawn M. Sciarrino
Jennifer L. Smith

Their Attorneys

Sciarrino & Associates, PLLC
5425 Tree Line Dr.
Centreville, VA 20120
(703)830-1679
(703)991-7120 (fax)
info@sciarrinolaw.com

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